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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/285,429	04/02/99	SHIRLEY	B 5784-9

CHIRON CORPORATION
INTELLECTUAL PROPERTY - R440
P O BOX 8097
EMERYVILLE CA 94620-8097

HM12/0918

EXAMINER

MOEZIE, F

ART UNIT	PAPER NUMBER
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1653

12

DATE MAILED: 09/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/285,429

Applicant(s)
Shirley

Examiner
F. T. Moezie

Group Art Unit
1653



☒ Responsive to communication(s) filed on Jul 17, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-20 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1653

NON-RESPONSIVE: Bonafide Attempt Letter

The reply filed 17 July 2000, to the Restriction/Election requirement mailed 12 May 2000, paper no. 9, pages 2-6, is not fully responsive to the Office action for the following omission(s) or matter(s): *Applicant has failed to elect peptide species, an ultimate specie including the structure for the specie and indicate claims readable thereon within the elected invention*, as required at pages 5-6 of the prior Office action.

Since the above-mentioned reply appears to be bonafide, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER
37 CFR 1-136 (a).**

Any inquiry concerning this communication should be directed to Examiner F.T. Moezie at telephone number (703) 305-4508 or Mr. LOW (SPE) at 308-2923. FAX: (703) 305-7401

F. T. Moezie
F. T. MOEZIE, Ph.D.
PRIMARY EXAMINER
ART UNIT 188
1653